UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 15 2009

Mr. Jeffrey Guido, Pretreatment Coordinator
Town of New Windsor Wastewater Treatment Facility
PO Box 4653, 145 Ceasars Lane
New Windor, New York 12553

Dear Mr. Guido:

Enclosed is the report covering the Environmental Protection Agency's (EPA) 2009 pretreatment program audit for the Town of New Windsor ("New Windsor").

Please respond to any inaccuracies of fact in the report and to each numbered item in the Summary of Findings, Recommendations, and Requirements. In your response, state whether you agree with each Finding. If you do not agree, please explain further. In addition, state what you will do to ensure that New Windsor meets the required action items. Please provide permits modified as a result of the audit. If you wish to save paper, you may email electronic versions of permits to Jacqueline Ríos of my staff at rios.jacqueline@epa.gov.

Thank you for your cooperation during the audit. Please send your response to the report to me by June 18, 2009. Do not hesitate to call Jacqueline Ríos at (212) 637-3859 if you have any questions.

Sincerely,

Jeffrey Gratz, Chief
Clean Water Regulatory Branch
Division of Environmental Planning & Protection

Enclosure

cc: Meena George NYSDEC Region 3

UNITED STATES

ENVIRONMENTAL PROTECTION AGENCY (EPA)

REGION 2

PRETREATMENT AUDIT REPORT

Pretreatment Program:	Town of New Windsor	
Treatment Works:	Town of New Windsor Wastewater Treatment Facility NPDES No. NY0022446	
Dates:	DMR Data Review: Industrial User Inspections:	March 2006 to February 2009 March 17, 2009

Evaluation Participants

EPA:	Jacqueline Ríos, Environmental Engineer, EPA Region 2
NY Department of Environmental Conservation:	No Representative
Town of New Windsor:	Jeffrey Guido, Pretreatment Coordinator, Camo Pollution Control Wesley Rice, Camo Pollution Control, Inc.

Prepared By:	Jacqueline Ríos, Environmental Engineer
Date Prepared:	April 14, 2009

INTRODUCTION

EPA performs varying levels of inspections to evaluate the effectiveness of pretreatment programs. A Pretreatment Compliance Inspection (PCI) consists of a review of industrial user files at the facility, an interview with staff, and a review of Discharge Monitoring Reports (DMRs), and focuses on adequate monitoring and industrial user compliance. The PCI may include a review of the Enforcement Response Plan to evaluate the pretreatment program's enforcement policies. A Pretreatment Program Audit ("Audit") consists of the elements of a PCI and may also include a review of program documents such as ordinances, interagency agreements, and local limits technical analysis reports as well as one or more industrial user inspections to verify the industrial user's classification and compliance status.

The purpose of this pretreatment program audit is to find out whether the pretreatment program has obtained results indicative of good performance. Good performance is characterized by the prevention of pass-through, interference, and sludge contamination as shown by compliance at the wastewater treatment plant with its discharge permit effluent limits, and consistent compliance by the categorical industrial users with their federal standards. Wastewater treatment plant effluent quality depends on the pretreatment program for good local limits and industrial user compliance. Industrial user compliance depends on a complete inventory, correct permits, complete monitoring, and effective enforcement.

On March 17 and 18, 2009, EPA personnel conducted an audit of the Town of New Windsor ("New Windsor") Pretreatment Program. Attendees are listed on the cover page of this report. The audit consisted of an interview with facility representatives and site visits and file reviews for four permitted industrial users and one potential significant industrial user.

This report only covers the performance of New Windsor's pretreatment program. In this report, *conclusions are highlighted in italics type,* **specific requirements for New Windsor are highlighted with bold type**, and ***recommendations are highlighted with bold and italics type.***

BACKGROUND

New Windsor operates a wastewater treatment plant that serves the New Windsor area – the Town of New Windsor and domestic wastewater from the Town of Cornwall. The Town of New Windsor Wastewater Treatment Facility (New Windsor WWTF) consists of an activated sludge plant with a design flow of 5.0 million gallons per day (MGD) that provides secondary treatment. The average flow for the New Windsor WWTF in 2008 was 4.43 MGD. The New Windsor WWTF discharges into the Moodna Creek.

The New Windsor Pretreatment Program issues permits to seven significant industrial users (SIUs) – three of which are classified by New Windsor as categorical industrial users. The non-categorical SIUs include deicing discharges, landfill leachate, and an animal import center. The categorical industrial users include a can maker and a metal finisher. The current SIU permits are issued for a five year period – from January 2005 through December 2009.

New Windsor's pretreatment reporting year follows the calendar year. New Windsor inspects the SIUs once a year and generally monitors the SIUs twice a year. The pretreatment program is funded from permit fees and the general sewer fund. The Town of New Windsor hires Camo Pollution Control Inc. to operate the New Windsor WWTF and pretreatment program.

COMPLIANCE WITH SPDES DISCHARGE REQUIREMENTS

The current permit for the New Windsor WWTF expires on May 31, 2013. The New York State Pollutant Discharge Elimination System ("SPDES") permit for the New Windsor WWTF includes limitations for conventional pollutants and lead and action levels for bis(2-ethylhexyl)phthalate, chloroform, copper, methylene chloride, phenolics, toluene, and zinc. EPA reviewed toxics data from March 2006 through February 2009 for the New Windsor WWTF from EPA's database of discharge monitoring reports. *Between March 2006 and February 2009, New Windsor did not exceed the limit for lead or action level values for bis(2-ethylhexyl)phthalate, chloroform, copper, methylene chloride, toluene, or zinc.*

PROGRAM MODIFICATIONS

EPA reviewed the New Windsor sewer use ordinance as part of this audit. *EPA provided written comments during the audit, including revised language so that New Windsor's sewer use ordinance will comply with Federal regulations at 40 C.F.R. Part 403.* The written comments address:

- the definition of National Categorical Pretreatment Standard or Pretreatment Standard at 240-64,
- references to Federal citations in the definition of significant industrial user at 240-64 and slug discharge control plan requirements at 240-72,
- changes necessary to reflect Federal changes to the definition of significant noncompliance at 240-84,
- additional prohibited substances from 40 C.F.R. § 403.5(b) at 240-66(B),
- provisions to require compliance with categorical pretreatment standards and the prohibition against dilution, and
- provisions for the installation of monitoring equipment, slug control implementation in permits, recordkeeping requirements, and analytical requirements.

New Windsor must make changes to its current sewer use ordinance to comply with requirements at 40 C.F.R. Part 403. New Windsor may submit the changes provided by EPA to the sewer use ordinance as a nonsubstantial modification under 40 C.F.R. § 403.18(d) provided that additional changes are not made that do not reflect Federal pretreatment regulations.

INDUSTRIAL USERS: CLASSIFICATION, PERMITTING & COMPLIANCE

Permit Conditions

Pretreatment programs are required to issue permits with standards, sampling locations, and monitoring requirements as part of ensuring industrial user compliance. 40 C.F.R. § 403.8(f)(1)(iii)(B)(1)-(6) lists the minimum requirements for permits. Permits must contain a statement of duration, a statement of nontransferability, sampling, monitoring, reporting, notification and record keeping requirements, and a statement of applicable civil and criminal penalties for violations. *New Windsor's permit conditions contain a statement of duration, a statement of nontransferability, effluent limits, sampling, monitoring, reporting, notification and record keeping requirements, and a statement of applicable penalties for violations.*

Effective November 14, 2005, EPA made changes to the general pretreatment regulations at 40 C.F.R. Part 403. The changes include clarifications of existing regulations, such as including implementation of slug control plans as a requirement in industrial user permits where the it is determined that a slug control plan is necessary. *The permits for the New York Air National Guard and Stewart International Airport include requirements to develop slug control plans.* **The permits for users that are required to develop slug control plans must also clarify that the user is required to implement the plan.**

New York Air National Guard

The inspection for the New York Air National Guard consisted of a visit to the deicing holding lagoons. In the terminal (which was not visited as part of the inspection), aircraft are deiced. Runoff from the airport flows feeds two lagoons. The lagoons are aerated. An antifoaming agent may also be added.

On the day of the EPA site visit, the facility contact was not present at the base. Master Sergeant Andrew Fuentes accompanied the EPA inspector to visit the lagoons, but was unfamiliar with the operation of the treatment. The lagoons were not discharging on the day of the inspection

The lagoon is sampled prior to discharge. Provided that the sample is non-detectable for 2-butoxyethoxy ethanol, based on the chemical oxygen demand (COD) the New York Air National Guard is provided with a flow rate for the discharge so that it does not exceed 160 pounds of COD per day.

Samples of the discharge are taken by New Windsor at a manhole downstream of the lagoons. The manhole samples wastewater from the entire facility, including sanitary wastewater. In July 2007, due to a malfunction of the valves, wastewater from both lagoons was discharged at once. As a result of the malfunction, a standard operating procedure was written and the valve issue was resolved.

Stewart International Airport

The inspection for the Stewart International Airport consisted of a visit to the deicing holding lagoons. The inspection started at 8:37AM on March 17, 2009. It was not snowing or raining during inspection. Airport deicing operations for the day had terminated. Deicing operations generally occur between November and March.

In the terminal (which was not visited as part of the inspection), aircraft are deiced. The deicing is done to commercial airline aircraft including United Parcel Service aircraft. Approximately 30 to 40 gallons of deicing solution had been used on the day of the inspection. Typically, 300 to 400 gallons of deicing solution are sprayed onto aircraft when it is snowing. Since November 2008, a vacuum truck has been used to collect excess deicing solution. The vacuum truck solution is pumped to a 30,000 gallon holding tank. The holding tank had yet to be filled on the day of the inspection. Depending on test results of the holding tank, the wastewater from the holding tank would either be trucked off site or sent to the New Windsor WWTF.

Runoff from the airport flows through an oil/water separator that gravity feeds to two lagoons. Each lagoon has a capacity of 220,000 gallons. The wastewater in the lagoons can be aerated. The lagoons are filled one at a time. Stewart International Airport keeps a log of the lagoon discharges in the shed next to the lagoons.

A lagoon is sampled prior to discharge. Provided that the sample is non-detectable for 2-butoxyethoxy ethanol, based on the chemical oxygen demand (COD) Stewart International Airport is provided with a flow rate for the discharge so that it does not exceed 160 pounds of COD per day. New Windsor does not permit Stewart International Airport and the New York Air National Guard to discharge on the same day.

Stewart International Airport did not discharge in 2006. In 2008, Stewart International Airport only discharged each lagoon once during the year – Lagoon 1 discharged from January 29 through February 5, 2008 and Lagoon 2 discharged from February 29 through March 6, 2008.

Town of New Windsor Landfill

The Town of New Windsor Landfill discharges leachate via pipe to the New Windsor WWTP. The landfill is an inactive municipal landfill. The Town of New Windsor maintains the leachate collection system. The meter is read daily. The landfill leachate is not treated. The pumps have to be replaced about once a year. A fence next to the pump area was broken. ***The Town of New Windsor should repair the landfill fence.***

EPA reviewed the file for the Town of New Windsor Landfill for the period covering January 2006 to December 2008. EPA did not find any violations of the local limits in the record. The Town of New Windsor Landfill self monitored at least twice per year between 2006 and 2008. The Town of New Windsor Landfill was in significant noncompliance (SNC) for cadmium and total suspended solids (TSS) for the six month period of July through December 2006. Different personnel were sampling and may have been pumping sediments instead of the

actual discharge flow. The Town of New Windsor Landfill was published in the *Times Herald-Record* as SNC on April 28, 2007. Subsequent sampling was in compliance for cadmium and TSS.

United States Department of Agriculture Animal Import Center

The United States Department of Agriculture (USDA) Animal Import Center is an import facility for animals from other countries. The USDA Animal Import Center accepts any type of bird and hoof stock including cattle, sheep, pigs, and giraffes. The bulk of the animals housed at the facility are horses. Horses from European countries are housed for three days. Horses from the Southern hemisphere are housed for seven days. In the past year, the USDA Animal Import Center housed approximately 3,000 horses, with the majority housed for three days.

Animals from South Africa are housed for 60 days. Birds and ruminants are housed for 30 days. The USDA Animal Import Center has housed 1,000 birds in a year.

The USDA Animal Import Center operates an incinerator to incinerate animal bedding and feed. The incinerator does not have wet pollution control scrubbing equipment.

The USDA Animal Import Center generates wastewater from laundry, showers, restrooms, and animal washdown. The disinfectant used contains potassium peroxymonosulfate and sodium chloride. Employees are provided with uniforms that are washed on the premises. Employees are required to shower when leaving buildings that contain animals. The wastewater from the facility is chlorinated before discharge to the sewer using a 12.5% sodium hypochlorite solution. The total chlorine residual for the discharge was between 1.0 and 1.6 mg/l during the inspection.

EPA reviewed the file for the USDA Animal Import Center for the period covering January 2006 to December 2008. EPA did not find any violations of the local limits in the record. The USDA Animal Import Center self monitored at least twice per year between 2006 and 2008.

Verla International Ltd.

Verla International Ltd. ("Verla") provided filling and packaging service for clients for cosmetic products such as lip gloss, body glitter, mascara, nail polish, and powder formulas. Verla mixes some of the products. During the inspection, the facility was mixing base for lip gloss and also packaging lip gloss.

Verla uses acetone to clean some of the nail polish filling lines. The acetone is drummed. There were no floor drains in the nail polish filling area.

Powders are mixed and pressed in separate rooms that are closed off. The powder mixing rooms were referred to as "white rooms." The white rooms are vented to dust collection equipment. Water is not used in the dust collection equipment.

Verla has kettles to mix products such as the lip gloss. The kettles are scraped and paper towels are used to remove residues. Isopropyl alcohol is used for sanitizing. The alcohol is sprayed and evaporates. The floor in the mixing room is cleaned using bleach and water. The mop water is discharged through a slop sink in the mixing room. The EPA inspector noticed the odor of isopropyl alcohol (also known as isopropanol) near the sink located in the mixing room. Being a secondary alcohol, isopropanol can be oxidized to the ketone acetone. Some pharmaceutical indirect dischargers have inadvertently generated acetone from isopropyl alcohol via incomplete oxidation. It is possible that the volatilized alcohol may condense and discharge through the sink. New Windsor does not permit Verla. There was no monitoring data available for the facility.

According to 40 C.F.R. § 439.0(b), the manufacture of pharmaceutical products to which the categorical standards apply includes (but is not limited to):

- Products manufactured by one or more of the four types of manufacturing processes described in subcategories A, B, C or D, and considered by the Food and Drug Administration to be pharmaceutical active ingredients;
- Cosmetic preparations that are reported under SIC 2844 and contain pharmaceutical active ingredients, or active ingredients that are intended for the treatment of a skin condition. (These preparations do not include products such as lipsticks or perfumes that serve to enhance appearance, or provide a pleasing odor, but do not enhance skin care. Also excluded are deodorants, manicure preparations, shaving preparations and non-medicated shampoos that do not function primarily as a skin treatment.)

Some products are both cosmetics and drugs. This may happen when a product has two intended uses. For example, a shampoo is a cosmetic because its intended use is to cleanse the hair. An antidandruff treatment is a drug because its intended use is to treat dandruff. Consequently, an antidandruff shampoo is both a cosmetic and a drug. Among other cosmetic/drug combinations are moisturizers and makeup marketed with sun-protection claims. The manufacture of such products would be subject to the pharmaceutical standards under 40 C.F.R. Part 439. As shown in the examples on page 3-48 of the Development Document for Final Effluent Limitations Guidelines and Standards for the Pharmaceutical Manufacturing Point Source Category, EPA intended to regulate products that contain ingredients for the treatment of acne, such as salicylic acid, under the Pharmaceutical categorical standards.

On the day of the inspection, the person responsible for the ingredient database was not available. Mr. Leo Gesvantner, the facility representative, did not think that the facility uses salicylic acid in any of its products. Mr. Gesvantner indicated that the facility does not produce any products that have Sun Protective Factor (SPF) claims and he was not aware of any products manufactured at the facility that have pharmaceutical active ingredients. Mr. Gestvantner indicated that the facility has deliberately turned away business for products that have SPF claims in order not to be subject to FDA regulation. **New Windsor must verify that Verla does not use any pharmaceutically active ingredients that would classify the facility as a pharmaceutical categorical industrial user under 40 CFR Part 439. New Windsor must also sample Verla to determine whether or not the facility has a reasonable potential to violate a pretreatment standard or requirement and therefore should be classified as a significant industrial user.**

INVENTORY

According to 40 C.F.R. § 403.8(f)(2)(i), the industrial user inventory must be updated as needed and provided to EPA as part of the annual report requirement. The on-going task of maintaining a complete list of industrial users requires New Windsor to implement a system to track existing industrial user information and/or classification changes and new user information. Some Control Authorities proactively opt to institute a questionnaire program. These types of forms are completed when a customer applies for sewer service or a business license. *New Windsor did not identify Verla as a potential significant industrial user.* ***New Windsor should proactively institute a questionnaire to be included with business license requests and/or applications for sewer service.***

MONITORING AND INSPECTION

40 CFR § 403.8(f)(2)(v) requires that pretreatment programs randomly sample and analyze the effluent from each significant industrial user on at least an annual basis. *In 2006 through 2008, New Windsor inspected and sampled New York Air National Guard, Stewart International Airport, the Town of New Windsor Landfill, and the USDA Animal Import Center at least once per year with the exception of Stewart International Airport in 2006 because the airport did not discharge in 2006.*

MERCURY

Effective March 16, 2003, New York State Law requires that all dentists recycle mercury and mercury amalgam waste generated in their practices. The law also requires that dentists use encapsulated mercury and prohibits, in the practice of dentistry, the use or possession of elemental mercury not in capsules. Effective May 12, 2006, dental facilities are required to install amalgam separators that remove waste amalgam from the dental facilities' wastewater. When a separator is installed at a dental facility, the dental facility provides written notification to the appropriate sewage treatment works or sewer authority where the wastewater is discharged. For dental facilities that begin operations after May 12, 2006, notification must be submitted within 30 days from the date the separator is placed into service. For dental facilities operating prior to May 12, 2006, notification must be submitted no later than June 12, 2008. Dental facilities where dental amalgam is not placed or removed, including facilities where the specialties of orthodontics, periodontics, prosthodontics, oral surgery, and maxillofacial surgery are exclusively performed, are exempt from the requirements to install an amalgam separator.

As of March 18, 2009, New Windsor had not received any dental amalgam separator forms. EPA identified the following potential dental practices in the New Windsor Service Area:

Dental Practice	Address	Phone Number
Robert L Ambinder DDS, Michael B Korzen DDS, and David Kulick DDS	188/190 Quassaick Ave	(845) 565-2010
John F Carpenter DDS	272 Quassaick Ave	(845) 561-2330
Danielle Medynski DDS	299 Windsor Hwy	(845) 565-3450

Dental Practice	Address	Phone Number
Jose M Perez DDS	3074 US Route 9w # 200	(845) 561-5568
Windsor Dental PC	375 Windsor Hwy # 400	(845) 565-6677
Advanced Dental & Oral Surgery	401 Windsor Hwy	(845) 569-2000
K & D Dental Assoc. Sp. LLC	448 Temple Hill Rd	(845) 562-2828
Gina Prokosch-Cook DDS	45 Quassaick Ave	(845) 569-8900
John E O'Brien DDS	754 Blooming Grove Tpke	(845) 561-8093

New Windsor is not required to solicit the notifications. In the New York State Register of March 29, 2006 adopting the final rule, New York stated, "Local governments that manage POTWs will receive a one-time notice from dental facilities of amalgam separator installation. They will not be required by this regulation to enforce its provisions, however we believe the regulation will make it easier for local POTW officials to meet their mercury discharge reduction requirements." ***New Windsor should voluntarily follow up with area dentists to ensure that they have installed dental amalgam separators and filled out the notification forms to assist the dental facilities to comply with the State regulation.***

SUMMARY OF FINDINGS, RECOMMENDATIONS, AND REQUIREMENTS

FINDINGS

1. Between March 2006 and February 2009, New Windsor did not exceed the SPDES limit for lead or action level values for bis(2-ethylhexyl)phthalate, chloroform, copper, methylene chloride, toluene, or zinc.

2. EPA provided written comments during the audit, including revised language so that New Windsor's sewer use ordinance will comply with Federal regulations at 40 C.F.R. Part 403.

3. New Windsor's permit conditions contain a statement of duration, a statement of nontransferability, effluent limits, sampling, monitoring, reporting, notification and record keeping requirements, and a statement of applicable penalties for violations.

4. The permits for the New York Air National Guard and Stewart International Airport include requirements to develop slug control plans.

5. New Windsor did not identify Verla as a potential significant industrial user.

6. In 2006 through 2008, New Windsor inspected and sampled New York Air National Guard, Stewart International Airport, the Town of New Windsor Landfill, and the USDA Animal Import Center at least once per year with the exception of Stewart International Airport in 2006 because the airport did not discharge in 2006.

7. As of March 18, 2009, New Windsor had not received any dental amalgam separator forms.

RECOMMENDATIONS

1. The Town of New Windsor should repair the landfill fence.

2. New Windsor should proactively institute a questionnaire to be included with business license requests and/or applications for sewer service.

3. New Windsor should voluntarily follow up with area dentists to ensure that they have installed dental amalgam separators and filled out the notification forms to assist the dental facilities to comply with the State regulation.

REQUIREMENTS

1. The New Windsor must make changes to its current sewer use ordinance to comply with requirements at 40 C.F.R. Part 403.

2. The permits for users that are required to develop slug control plans, such as the New York Air National Guard and Stewart International Airport, must also clarify that the user is required to implement the plan.

3. New Windsor must verify that Verla does not use any pharmaceutically active ingredients that would classify the facility as a pharmaceutical categorical industrial user under 40 CFR Part 439. New Windsor must also sample Verla to determine whether or not the facility has a reasonable potential to violate a pretreatment standard or requirement and therefore should be classified as a significant industrial user.